

BILL**SECTION 2396**

1 appropriated under s. 20.445 (1) (km) minus the amount expended under sub. (4) to
2 a nonprofit statewide nursing center that is comprised of and led by nurses and that
3 has demonstrated coordination with constituent groups within the nursing
4 community, including professional nursing organizations; organizations
5 representing nurse educators, staff nurses, and nurse managers or executives; labor
6 organizations representing nurses; the department of ~~regulation and licensing~~
7 safety and professional services; the department of health services; and legislators
8 who are concerned with issues affecting the nursing profession.

9 **SECTION 2397.** 106.30 (5) (b) of the statutes is amended to read:

10 106.30 (5) (b) A statewide nursing center that receives a grant under par. (a)
11 shall use the grant moneys to develop strategies to ensure that there is a nursing
12 workforce that is adequate to meet the current and future health care needs of this
13 state. The statewide nursing center may use those moneys to fund activities that are
14 aimed at ensuring such a nursing workforce, including monitoring trends in the
15 applicant pool for nursing education programs; evaluating the effectiveness of
16 nursing education programs in increasing access to those programs and in
17 enhancing career mobility for nurses, especially for populations that are
18 underrepresented in the nursing profession; and facilitating partnerships between
19 the nursing community and other health care providers, the department of
20 ~~regulation and licensing~~ safety and professional services, the business community,
21 the legislature, and educators to promote diversity within the nursing profession,
22 enhance career mobility and leadership development for nurses, and achieve
23 consensus regarding policies aimed at ensuring an adequate nursing workforce in
24 this state.

25 **SECTION 2398.** 106.50 (6) (a) 3. of the statutes is amended to read:

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1 106.50 (6) (a) 3. The complaint may be filed by an aggrieved person, by an
2 interested person, by the department of workforce development under par. (b) or, if
3 the complaint charges a violation of sub. (2r) (c), by the department of ~~commerce~~
4 safety and professional services. The department of workforce development shall,
5 upon request, provide appropriate assistance in completing and filing complaints.

6 **SECTION 2399.** 106.50 (6) (b) of the statutes is amended to read:

7 106.50 (6) (b) *Powers and duties of department.* The department of workforce
8 development and its duly authorized agents may hold hearings, subpoena witnesses,
9 take testimony and make investigations as provided in this subsection. The
10 department of workforce development may test and investigate for the purpose of
11 establishing violations of sub. (2), (2m) or (2r) and may make, sign and file
12 complaints alleging violations of sub. (2), (2m) or (2r). In addition, the department
13 of ~~commerce~~ safety and professional services may make, sign and file complaints
14 alleging violations of sub. (2r) (c). The department of workforce development shall
15 employ examiners to hear and decide complaints of discrimination under this
16 section, and to assist in the administration of this section. The examiners may make
17 findings and issue orders under this subsection. The department of workforce
18 development shall develop and implement an investigation manual for use in
19 conducting investigations under par. (c).

20 **SECTION 2400.** 107.30 (4) of the statutes is amended to read:

21 107.30 (4) "Department" means the department of ~~commerce~~ safety and
22 professional services.

23 **SECTION 2401.** 107.30 (10) of the statutes is amended to read:

24 107.30 (10) "Mining damage appropriation" means the appropriation under s.
25 ~~20.143 (3)~~ 20.165 (2) (a).

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1 **SECTION 2402.** 107.31 (5) (a) (intro.) of the statutes is amended to read:

2 107.31 **(5)** (a) *Calculation.* (intro.) The mining damage reserve accumulation
3 is calculated by subtracting the total amount of all mining damages awards paid
4 from the appropriation under s. 20.445 (4) (a), 2001 stats., beginning on May 22, 1980
5 or paid from the appropriation under s. ~~20.143 (3)~~ 20.165 (2) (a) from the sum of:

6 **SECTION 2403.** 108.02 (21e) (intro.) of the statutes is amended to read:

7 108.02 **(21e)** PROFESSIONAL EMPLOYER ORGANIZATION. (intro.) "Professional
8 employer organization" means any person who is currently registered as a
9 professional employer organization with the department of regulation and licensing
10 safety and professional services in accordance with ch. 461, who contracts to provide
11 the nontemporary, ongoing employee workforce of more than one client under a
12 written leasing contract, the majority of whose clients are not under the same
13 ownership, management, or control as the person other than through the terms of
14 the contract, and who under contract and in fact:

15 **SECTION 2404.** 109.07 (1m) (b) of the statutes is amended to read:

16 109.07 **(1m)** (b) The department shall promptly provide a copy of the notice
17 required under par. (a) ~~to the department of commerce and to the office of the~~
18 ~~commissioner of insurance and shall cooperate with the department of commerce in~~
19 ~~the performance of its responsibilities under s. 560.15 and with the office of the~~
20 ~~commissioner of insurance in the performance of its responsibilities under s. 601.41~~
21 (7).

22 **SECTION 2405.** 111.70 (1) (a) of the statutes is amended to read:

23 111.70 **(1)** (a) "Collective bargaining" means the performance of the mutual
24 obligation of a municipal employer, through its officers and agents, and the
25 representative of its municipal employees in a collective bargaining unit, to meet and

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1 confer at reasonable times, in good faith, with the intention of reaching an
2 agreement, or to resolve questions arising under such an agreement, with respect to
3 wages, hours, and conditions of employment, and with respect to a requirement of
4 the municipal employer for a municipal employee to perform law enforcement and
5 fire fighting services under s. 60.553, 61.66, or 62.13 (2e) and for a school district with
6 respect to any matter under sub. (4) (n) and (o), ~~and for a school district with respect~~
7 ~~to any matter under sub. (4) (n)~~, except as provided in subs. (3m), (3p), and (4) (m)
8 and (mc) and s. 40.81 (3) and except that a municipal employer shall not meet and
9 confer with respect to any proposal to diminish or abridge the rights guaranteed to
10 municipal employees under ch. 164. The duty to bargain, however, does not compel
11 either party to agree to a proposal or require the making of a concession. Collective
12 bargaining includes the reduction of any agreement reached to a written and signed
13 document. The municipal employer shall not be required to bargain on subjects
14 reserved to management and direction of the governmental unit except insofar as the
15 manner of exercise of such functions affects the wages, hours, and conditions of
16 employment of the municipal employees in a collective bargaining unit. In creating
17 this subchapter the legislature recognizes that the municipal employer must
18 exercise its powers and responsibilities to act for the government and good order of
19 the jurisdiction which it serves, its commercial benefit and the health, safety, and
20 welfare of the public to assure orderly operations and functions within its
21 jurisdiction, subject to those rights secured to municipal employees by the
22 constitutions of this state and of the United States and by this subchapter.

23 **SECTION 2406.** 111.70 (1) (a) of the statutes, as affected by 2011 Wisconsin Act
24 (this act), is amended to read:

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1 111.70 (1) (a) "Collective bargaining" means the performance of the mutual
2 obligation of a municipal employer, through its officers and agents, and the
3 representative of its municipal employees in a collective bargaining unit, to meet and
4 confer at reasonable times, in good faith, with the intention of reaching an
5 agreement, or to resolve questions arising under such an agreement, with respect to
6 wages, hours, and conditions of employment, and with respect to a requirement of
7 the municipal employer for a municipal employee to perform law enforcement and
8 fire fighting services under s. 60.553, 61.66, or 62.13 (2e) and for a school district with
9 respect to any matter under sub. (4) (n) and (o), except as provided in subs. (3m), (3p),
10 and (4) (m) and (mc) and s. 40.81 (3) and except that a municipal employer shall not
11 meet and confer with respect to any proposal to diminish or abridge the rights
12 guaranteed to municipal employees under ch. 164. The duty to bargain, however,
13 does not compel either party to agree to a proposal or require the making of a
14 concession. Collective bargaining includes the reduction of any agreement reached
15 to a written and signed document. The municipal employer shall not be required to
16 bargain on subjects reserved to management and direction of the governmental unit
17 except insofar as the manner of exercise of such functions affects the wages, hours,
18 and conditions of employment of the municipal employees in a collective bargaining
19 unit. In creating this subchapter the legislature recognizes that the municipal
20 employer must exercise its powers and responsibilities to act for the government and
21 good order of the jurisdiction which it serves, its commercial benefit and the health,
22 safety, and welfare of the public to assure orderly operations and functions within its
23 jurisdiction, subject to those rights secured to municipal employees by the
24 constitutions of this state and of the United States and by this subchapter.

25 **SECTION 2407.** 111.70 (3m) of the statutes is repealed.

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1 **SECTION 2408.** 111.70 (4) (d) 2. a. of the statutes is amended to read:

2 111.70 (4) (d) 2. a. The commission shall determine the appropriate collective
3 bargaining unit for the purpose of collective bargaining and shall whenever possible,
4 unless otherwise required under this subchapter, avoid fragmentation by
5 maintaining as few collective bargaining units as practicable in keeping with the size
6 of the total municipal workforce. In making such a determination, the commission
7 may decide whether, in a particular case, the municipal employees in the same or
8 several departments, divisions, institutions, crafts, professions, or other
9 occupational groupings constitute a collective bargaining unit. Before making its
10 determination, the commission may provide an opportunity for the municipal
11 employees concerned to determine, by secret ballot, whether they desire to be
12 established as a separate collective bargaining unit. The commission shall not
13 decide, however, that any group of municipal employees constitutes an appropriate
14 collective bargaining unit if the group includes both professional employees and
15 nonprofessional employees, unless a majority of the professional employees vote for
16 inclusion in the unit. The commission shall not decide that any group of municipal
17 employees constitutes an appropriate collective bargaining unit if the group includes
18 both craft employees and noncraft employees unless a majority of the craft employees
19 vote for inclusion in the unit. The commission shall place the professional employees
20 who are assigned to perform any services at a charter school, as defined in s. 115.001
21 (1), in a separate collective bargaining unit from a unit that includes any other
22 professional employees whenever at least 30% of those professional employees
23 request an election to be held to determine that issue and a majority of the
24 professional employees at the charter school who cast votes in the election decide to
25 be represented in a separate collective bargaining unit. ~~Upon the expiration of any~~

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1 collective bargaining agreement in force, the commission shall combine into a single
2 collective bargaining unit 2 or more collective bargaining units consisting of school
3 district employees if a majority of the employees voting in each collective bargaining
4 unit vote to combine. Any vote taken under this subsection shall be by secret ballot.

5 **SECTION 2409.** 111.70 (4) (m) 5. of the statutes is created to read:

6 111.70 (4) (m) 5. The prohibition in s. 118.205 against requiring teachers
7 employed by a school board to reside within the school district.

8 **SECTION 2410.** 111.81 (7) (f) of the statutes is amended to read:

9 111.81 (7) (f) Instructional staff employed by the board of regents of the
10 University of Wisconsin System who provide services for a charter school established
11 by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e.

12 **SECTION 2411.** 111.81 (7) (h) of the statutes is created to read:

13 111.81 (7) (h) Staff appointed by the Board of Trustees of the University of
14 Wisconsin-Madison except faculty, academic staff, limited term employees,
15 sessional employees, project employees, supervisors, management, persons who are
16 privy to confidential matters affecting the employer-employee relationship, persons
17 whose employment is a necessary part of their training, student assistants, and
18 student hourly help.

19 **SECTION 2412.** 111.81 (8) of the statutes is amended to read:

20 111.81 (8) "Employer" means the state of Wisconsin, or, with respect to the
21 employees under sub. (7) (h), the University of Wisconsin-Madison.

22 **SECTION 2413.** 111.81 (15m) of the statutes is amended to read:

23 111.81 (15m) "Program assistant" or "project assistant" means a graduate
24 student enrolled in the University of Wisconsin System or at the University of
25 Wisconsin-Madison who is assigned to conduct research, training, administrative

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responsibilities or other academic or academic support projects or programs, except regular preparation of instructional materials for courses or manual or clerical assignments, under the supervision of a member of the faculty or academic staff, as defined in s. 36.05 (1) or (8) or 37.01 (5), primarily for the benefit of the university, faculty or academic staff supervisor or a granting agency. "Project assistant" or "program assistant" does not include a graduate student who does work which is primarily for the benefit of the student's own learning and research and which is independent or self-directed.

SECTION 2414. 111.81 (17m) of the statutes is amended to read:

111.81 (17m) "Research assistant" means a graduate student enrolled in the University of Wisconsin System or at the University of Wisconsin-Madison who is receiving a stipend to conduct research that is primarily for the benefit of the student's own learning and research and which is independent or self-directed, but does not include students provided fellowships, scholarships, or traineeships which are distributed through other titles such as advanced opportunity fellow, fellow, scholar, or trainee, and does not include students with either an F-1 or a J-1 visa issued by the federal department of state.

SECTION 2415. 111.81 (19m) of the statutes is amended to read:

111.81 (19m) "Teaching assistant" means a graduate student enrolled in the University of Wisconsin System or at the University of Wisconsin-Madison who is regularly assigned teaching and related responsibilities, other than manual or clerical responsibilities, under the supervision of a member of the faculty as defined in s. 36.05 (8) or 37.01 (5).

SECTION 2416. 111.815 (1) of the statutes is amended to read:

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1 111.815 (1) In the furtherance of this subchapter, the state shall be considered
2 as a single employer and employment relations policies and practices throughout the
3 state service shall be as consistent as practicable. The office shall negotiate and
4 administer collective bargaining agreements except that the department of health
5 services, subject to the approval of the federal centers for medicare and medicaid
6 services to use collective bargaining as the method of setting rates for
7 reimbursement of home care providers, shall negotiate and administer collective
8 bargaining agreements entered into with the collective bargaining unit specified in
9 s. 111.825 (2g). To coordinate the employer position in the negotiation of agreements,
10 the office, or the department of health services with regard to collective bargaining
11 agreements entered into with the collective bargaining unit specified in s. 111.825
12 (2g), shall maintain close liaison with the legislature relative to the negotiation of
13 agreements and the fiscal ramifications of those agreements. Except with respect
14 to the collective bargaining units specified in s. 111.825 (1g), (1m), (2) (f), and (2g),
15 the office is responsible for the employer functions of the executive branch under this
16 subchapter, and shall coordinate its collective bargaining activities with operating
17 state agencies on matters of agency concern. The legislative branch shall act upon
18 those portions of tentative agreements negotiated by the office that require
19 legislative action. With respect to the collective bargaining units specified in s.
20 111.825 (1g), the University of Wisconsin-Madison is responsible for the employer
21 functions under this subchapter. With respect to the collective bargaining units
22 specified in s. 111.825 (1m), the University of Wisconsin Hospitals and Clinics Board
23 is responsible for the employer functions under this subchapter. With respect to the
24 collective bargaining unit specified in s. 111.825 (2) (f), the governing board of the
25 charter school established by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e. is responsible

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1 for the employer functions under this subchapter. With respect to the collective
2 bargaining unit specified in s. 111.825 (2g), the department of health services is
3 responsible for the employer functions of the executive branch under this
4 subchapter.

5 **SECTION 2417.** 111.815 (2) of the statutes is amended to read:

6 111.815 (2) In the furtherance of the policy under s. 111.80 (4), the director of
7 the office shall, together with the appointing authorities or their representatives,
8 represent the state in its responsibility as an employer under this subchapter except
9 with respect to negotiations in the collective bargaining units specified in s. 111.825
10 (1g), (1m), (2) (f), and (2g). The director of the office shall establish and maintain,
11 wherever practicable, consistent employment relations policies and practices
12 throughout the state service.

13 **SECTION 2418.** 111.825 (1g) of the statutes is created to read:

14 111.825 (1g) Collective bargaining units at the University of
15 Wisconsin-Madison are structured with one or more collective bargaining units for
16 each of the following groups:

17 (a) Program assistants; project assistants; and teaching assistants of the
18 University of Wisconsin-Madison.

19 (b) Research assistants of the University of Wisconsin-Madison.

20 (c) Employees under s. 111.81 (7) (h) who are not included under par. (a) or (b).

21 **SECTION 2419.** 111.825 (2) (a) of the statutes is amended to read:

22 111.825 (2) (a) The program, project and teaching assistants of the University
23 of Wisconsin-Madison and the University of Wisconsin-Extension.

24 **SECTION 2420.** 111.825 (2) (f) of the statutes is amended to read:

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1 111.825 (2) (f) Instructional staff employed by the board of regents of the
2 University of Wisconsin System who provide services for a charter school established
3 by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e.

4 **SECTION 2421.** 111.825 (2) (g) of the statutes is amended to read:

5 111.825 (2) (g) Research assistants of the ~~University of Wisconsin-Madison~~
6 and University of Wisconsin-Extension.

7 **SECTION 2422.** 111.825 (3) of the statutes is amended to read:

8 111.825 (3) The commission shall assign employees to the appropriate
9 collective bargaining units set forth in subs. (1), (1g), (1m), (2), and (2g).

10 **SECTION 2423.** 111.825 (4) of the statutes is amended to read:

11 111.825 (4) Any labor organization may petition for recognition as the exclusive
12 representative of a collective bargaining unit specified in sub. (1), (1g), (1m), (2), or
13 (2g) in accordance with the election procedures set forth in s. 111.83, provided the
14 petition is accompanied by a 30% showing of interest in the form of signed
15 authorization cards. Each additional labor organization seeking to appear on the
16 ballot shall file petitions within 60 days of the date of filing of the original petition
17 and prove, through signed authorization cards, that at least 10% of the employees
18 in the collective bargaining unit want it to be their representative.

19 **SECTION 2424.** 111.84 (2) (c) of the statutes is amended to read:

20 111.84 (2) (c) To refuse to bargain collectively on matters set forth in s. 111.91
21 (1) with the duly authorized officer or agent of the employer which is the recognized
22 or certified exclusive collective bargaining representative of employees specified in
23 s. 111.81 (7) (a) in an appropriate collective bargaining unit or with the certified
24 exclusive collective bargaining representative of employees specified in s. 111.81 (7)
25 (b) to ~~(g)~~ (h) in an appropriate collective bargaining unit. Such refusal to bargain

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1 shall include, but not be limited to, the refusal to execute a collective bargaining
2 agreement previously orally agreed upon.

3 **SECTION 2425.** 111.91 (2) (n) of the statutes is amended to read:

4 111.91 (2) (n) The provision to employees of the health insurance coverage
5 required under s. 632.895 (11) to (14), (16), and (16m) ~~and (17)~~.

6 **SECTION 2426.** 111.915 of the statutes is amended to read:

7 **111.915 Labor proposals.** The Except with respect to a collective bargaining
8 unit specified in s. 111.825 (1g), the director of the office shall notify and consult with
9 the joint committee on employment relations, in such form and detail as the
10 committee requests, regarding substantial changes in wages, employee benefits,
11 personnel management, and program policy contract provisions to be included in any
12 contract proposal to be offered to any labor organization by the state or to be agreed
13 to by the state before such proposal is actually offered or accepted.

14 **SECTION 2427.** 111.92 (1) (am) of the statutes is created to read:

15 111.92 (1) (am) Any tentative agreement reached between the University of
16 Wisconsin-Madison, acting for the state, and any labor organization representing a
17 collective bargaining unit specified in s. 111.825 (1g) shall, after official ratification
18 by the labor organization, be executed by the parties.

19 **SECTION 2428.** 111.92 (1) (c) of the statutes is amended to read:

20 111.92 (1) (c) Any tentative agreement reached between the governing board
21 of ~~the a~~ charter school established by contract under s. 118.40 (2r) ~~(em)~~ (b) 1. e., acting
22 for the state, and any labor organization representing a collective bargaining unit
23 specified in s. 111.825 (2) (f) shall, after official ratification by the labor organization
24 and approval by the chancellor of the University of Wisconsin-Parkside, be executed
25 by the parties.

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1 **SECTION 2429.** 111.93 (2) of the statutes is amended to read:

2 111.93 (2) All civil service and other applicable statutes concerning wages,
3 fringe benefits, hours and conditions of employment apply to employees specified in
4 s. 111.81 (7) (a) who are not included in collective bargaining units for which a
5 representative is recognized or certified and to employees specified in s. 111.81 (7)
6 (b) to (f) and (h) who are not included in a collective bargaining unit for which a
7 representative is certified.

8 **SECTION 2430.** 111.93 (3) of the statutes is amended to read:

9 111.93 (3) Except as provided in ss. 7.33 (4), 40.05, 40.80 (3), 111.91 (1) (cm),
10 230.35 (2d) and (3) (e) 6., and 230.88 (2) (b), if a collective bargaining agreement
11 exists between the employer and a labor organization representing employees in a
12 collective bargaining unit, the provisions of that agreement shall supersede the
13 provisions of civil service and other applicable statutes, as well as rules and policies
14 of the ~~board of regents~~ Board of Regents of the University of Wisconsin System and
15 rules and policies of the Board of Trustees of the University of Wisconsin-Madison,
16 related to wages, fringe benefits, hours, and conditions of employment whether or
17 not the matters contained in those statutes, rules, and policies are set forth in the
18 collective bargaining agreement.

19 **SECTION 2431.** 111.935 (2) of the statutes is amended to read:

20 111.935 (2) Notwithstanding s. 111.83 (2), the commission shall establish a
21 procedure whereby research assistants may determine whether to form themselves
22 into collective bargaining units under s. 111.825 (1g) (b) or (2) (g), (h), or (i) by
23 authorization cards in lieu of secret ballot. The procedure shall provide that once a
24 majority of research assistants have indicated their preference on the authorization

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1 cards to form themselves into a collective bargaining unit, the collective bargaining
2 unit is established.

3 **SECTION 2432.** 114.31 (6) of the statutes is amended to read:

4 114.31 (6) TECHNICAL SERVICES TO MUNICIPALITIES. The secretary may, insofar
5 as is reasonably possible, offer the engineering or other technical service of the
6 department, to any municipality desiring them in connection with the construction,
7 maintenance or operation or proposed construction, maintenance or operation of an
8 airport. The secretary may assess reasonable costs for services including services
9 performed while acting as agent for a municipality. Such assessment shall include
10 properly allocated administrative costs. Municipalities are authorized to cooperate
11 with the secretary in the development of aeronautics and aeronautical facilities in
12 this state. The ~~department of commerce~~ Wisconsin Economic Development
13 Corporation and all other agencies are authorized and directed to make available
14 such facilities and services, and to cooperate as far as possible to promote the best
15 interests of aeronautics of the state.

16 **SECTION 2433.** 114.33 (10) of the statutes is amended to read:

17 114.33 (10) Subject to the approval of the governor under this subsection, the
18 secretary may sell at public or private sale property of whatever nature owned by the
19 state and under the jurisdiction of the secretary when the secretary determines that
20 the property is no longer necessary for the state's use for airport purposes ~~and, if real~~
21 ~~property, the real property is not the subject of a petition under s. 560.9810.~~ The
22 secretary shall present to the governor a full and complete report of the property to
23 be sold, the reason for the sale, and the minimum price for which the property should
24 be sold, together with an application for the governor's approval of the sale. The
25 governor shall investigate the proposed sale as he or she deems necessary and

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1 approve or disapprove the application. Upon approval and receipt of the full
2 purchase price, the secretary shall by appropriate deed or other instrument transfer
3 the property to the purchaser. The funds derived from the sale shall be deposited in
4 the appropriate airport fund, and the expense incurred by the secretary in
5 connection with the sale shall be paid from that fund. This subsection does not apply
6 to real property that is sold under s. 16.848.

7 **SECTION 2434.** 115.001 (11) of the statutes is amended to read:

8 115.001 (11) SCHOOL NURSE. "School nurse" means a registered nurse licensed
9 under s. 441.06 or in a party state, as defined in s. 441.50 (2) (j), ~~who also meets the~~
10 ~~qualifications for school nurses prescribed by the department by rule.~~

11 **SECTION 2435.** 115.01 (10) (a) of the statutes is renumbered 115.01 (10).

12 **SECTION 2436.** 115.01 (10) (b) of the statutes is repealed.

13 **SECTION 2437.** 115.28 (12) of the statutes is created to read:

14 115.28 (12) STUDENT INFORMATION SYSTEM. (a) Working with the office of the
15 governor, establish a student information system to collect and maintain
16 information about pupils enrolled in public schools, including their academic
17 performance and demographic information, aggregated by school district, school,
18 and teacher. Annually by May 1, the state superintendent shall submit to the
19 governor a plan for the expenditure of moneys appropriated in s. 20.255 (1) (e) in the
20 succeeding fiscal year. The state superintendent may not expend or encumber
21 moneys appropriated under s. 20.255 (1) (e) in any fiscal year unless the governor
22 approves the plan for that fiscal year.

23 (b) Charge a fee, on a per pupil basis, to any school district that uses the system
24 under par. (a). The state superintendent may charge a fee to any other person that

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1 uses the system. All fees shall be credited to the appropriation account under s.
2 20.255 (1) (jm).

3 **SECTION 2438.** 115.28 (24) of the statutes is amended to read:

4 115.28 (24) PRIORITY IN AWARDING GRANTS. Give priority in awarding grants to
5 school boards under ~~ss. s.~~ s. 115.36 ~~and 115.361~~, and in awarding grants from federal
6 funds received under 20 USC 2301 to 2471, 20 USC 4601 to 4665 and 29 USC 2862
7 (b) (1) (B), to programs that provide more than one of the educational services
8 specified under s. 115.36, ~~115.361~~, 115.915, 118.01 (2) (d) 7. or 8. ~~or 118.153~~ or 20 USC
9 2301 to 2471, 20 USC 4601 to 4665 or 29 USC 2862 (b) (1) (B).

10 **SECTION 2439.** 115.28 (35) of the statutes is repealed.

11 **SECTION 2440.** 115.28 (39) of the statutes is amended to read:

12 115.28 (39) ALCOHOL AND OTHER DRUG ABUSE REPORT. ~~By July 1, 1998, and~~
13 ~~biennially~~ Biennially by July 1 ~~thereafter~~, evaluate the effectiveness of the programs
14 under ~~ss. s.~~ s. 115.36 ~~and 115.361~~ and submit a report to the legislature under s. 13.172
15 (2). ~~To satisfy this reporting requirement as it pertains to s. 115.361, the department~~
16 ~~may incorporate into the report under this subsection the report required under s.~~
17 ~~115.361 (2).~~

18 **SECTION 2441.** 115.28 (45) of the statutes is repealed.

19 **SECTION 2442.** 115.28 (46) of the statutes is repealed.

20 **SECTION 2443.** 115.28 (47) of the statutes is repealed.

21 **SECTION 2444.** 115.297 (1) (a) of the statutes is amended to read:

22 115.297 (1) (a) "Agencies" means the department, the ~~board of regents~~ Board
23 of Regents of the University of Wisconsin System, the Board of Trustees of the
24 University of Wisconsin-Madison, the technical college system board, and the
25 Wisconsin Association of Independent Colleges and Universities.

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1 **SECTION 2445.** 115.31 (1) (b) of the statutes is amended to read:

2 115.31 (1) (b) "Educational agency" means a school district, cooperative
3 educational service agency, state correctional institution under s. 302.01, juvenile
4 correctional facility, as defined in s. 938.02 (10p), secured residential care center for
5 children and youth, as defined in s. 938.02 (15g), the Wisconsin Center for the Blind
6 and Visually Impaired, the Wisconsin Educational Services Program for the Deaf
7 and Hard of Hearing, the Mendota Mental Health Institute, the Winnebago Mental
8 Health Institute, a state center for the developmentally disabled, or a private school,
9 or a private, nonprofit, nonsectarian agency under contract with a school board
10 under s. 118.153 (3) (c).

11 **SECTION 2446.** 115.33 (2) (a) (intro.) of the statutes is amended to read:

12 115.33 (2) (a) (intro.) The state superintendent may request the department
13 of ~~commerce~~ safety and professional services to inspect a public school if any of the
14 following occurs:

15 **SECTION 2447.** 115.33 (2) (b) of the statutes is amended to read:

16 115.33 (2) (b) The department of ~~commerce~~ safety and professional services
17 shall inspect the school within 30 days after receiving a request from the state
18 superintendent under par. (a).

19 **SECTION 2448.** 115.33 (3) (a) of the statutes is amended to read:

20 115.33 (3) (a) If the state superintendent determines that a school is not in
21 compliance, and the department of ~~commerce~~ safety and professional services, based
22 on its inspection of the school, concurs in the determination, the state
23 superintendent may order the school board to repair, improve, remodel or close the
24 school by a stated date. An order issued under this paragraph constitutes a
25 preliminary finding of noncompliance with the standard under s. 121.02 (1) (i).

BILL**SECTION 2449**

SECTION 2449. 115.33 (3) (b) 1. of the statutes is amended to read:

115.33 (3) (b) 1. If the state superintendent determines that a school is not in compliance and is not worth repairing, and the department of ~~commerce~~ safety and professional services, based on its inspection of the school, concurs in the determination, the state superintendent may order the school board to develop a plan that describes how the school board will achieve compliance with the standard under s. 121.02 (1) (i). The plan shall specify the time within which compliance with the standard under s. 121.02 (1) (i) shall be achieved. The state superintendent shall hold a public hearing on the plan in the school district and may, as a result of the hearing, recommend changes to the plan. The state superintendent may withhold up to 25% of the school district's state aid if the school district fails to achieve compliance with the standard under s. 121.02 (1) (i) within the period specified in the plan.

SECTION 2450. 115.347 (2) of the statutes is amended to read:

115.347 (2) Whenever a school district that is located in whole or in part in a county that has converted to the client assistance for reemployment and economic support data system submits a report under sub. (1) in the prescribed format, the department of children and families shall determine which children enrolled in the school district are members of Wisconsin Works groups participating under s. 49.147 (3) to (5) or of families receiving aid to families with dependent children or ~~food stamps~~ benefits under the supplemental nutrition assistance program under 7 USC 2011 to 2036 and shall provide the information to the school board as soon thereafter as possible. The school board shall use the information to directly certify children as eligible for free or reduced-price meals served by the school district under federal school nutrition programs, pursuant to 42 USC 1758 (b) (2) (C) (ii) and (iii).

BILL**SECTION 2451**

1 **SECTION 2451.** 115.361 of the statutes is repealed.

2 **SECTION 2452.** 115.366 of the statutes is repealed.

3 **SECTION 2453.** 115.39 of the statutes is repealed.

4 **SECTION 2454.** 115.405 (2m) of the statutes is repealed.

5 **SECTION 2455.** 115.43 (2) (b) of the statutes is amended to read:

6 115.43 (2) (b) From the appropriation under s. 20.255 (3) (fz), award precollege
7 scholarships, on a competitive basis, to economically disadvantaged pupils who
8 enroll in a technical college or in college or university classes or programs designed
9 to improve academic skills that are essential for success in postsecondary school
10 education. The state superintendent shall give preference to economically
11 disadvantaged pupils who are inadequately represented in the technical college and
12 University of Wisconsin Systems and the University of Wisconsin-Madison.

13 **SECTION 2456.** 115.435 of the statutes is repealed.

14 **SECTION 2457.** 115.45 of the statutes is repealed.

15 **SECTION 2458.** 115.53 (3) (a) and (b) of the statutes are consolidated,
16 renumbered 115.53 (3) and amended to read:

17 115.53 (3) Arrange for otological or ophthalmic examination of any pupil or
18 prospective pupil of the school operated by the Wisconsin Educational Services
19 Program for the Deaf and Hard of Hearing. ~~The examination shall be paid for from~~
20 ~~the appropriation in s. 20.255 (1) (b), (gh) or (gs).~~ (b) ~~Arrange for ophthalmic or~~
21 ~~otological examination of any pupil or prospective pupil of or~~ the school operated by
22 the Wisconsin Center for the Blind and Visually Impaired. The examination shall
23 be paid for from the appropriation ~~in~~ under s. 20.255 (1) (b), ~~(gh),~~ (gL), or (gs).

24 **SECTION 2459.** 115.53 (4) (unnumbered first par.) and (a) of the statutes are
25 consolidated, renumbered 115.53 (4) and amended to read:

BILL**SECTION 2459**

1 115.53 (4) Apply to the board of directors of the University of Wisconsin
2 Hospitals and Clinics Authority for admission to the University of Wisconsin
3 Hospitals and Clinics of any pupil at the school operated by the Wisconsin
4 Educational Services Program for the Deaf and Hard of Hearing or the school
5 operated by the Wisconsin Center for the Blind and Visually Impaired. (a) The
6 application shall be accompanied by the report of a physician appointed by the
7 director of the Wisconsin Educational Services Program for the Deaf and Hard of
8 Hearing or the director of the Wisconsin Center for the Blind and Visually Impaired
9 and shall be in the same form as reports of other physicians for admission of patients
10 to such hospital.

11 **SECTION 2460.** 115.53 (4) (b) of the statutes is repealed.

12 **SECTION 2461.** 116.01 of the statutes is amended to read:

13 **116.01 Purpose.** The organization of school districts in Wisconsin is such that
14 the legislature recognizes the need for a service unit between the school district and
15 the state superintendent. The cooperative educational service agencies are designed
16 to serve educational needs in all areas of Wisconsin by serving as a link both between
17 school districts and between school districts and the state. Cooperative educational
18 service agencies may provide leadership, coordination, and education services to
19 school districts, University of Wisconsin System institutions, the University of
20 Wisconsin-Madison, and technical colleges. Cooperative educational service
21 agencies may facilitate communication and cooperation among all public, private,
22 and tribal schools, and all public and private agencies and organizations, that
23 provide services to pupils.

24 **SECTION 2462.** 116.032 (1) of the statutes is amended to read:

BILL**SECTION 2462**

1 116.032 (1) Subject to subs. (2) to (5), for the purpose of providing services to
2 pupils, a board of control may contract with school districts, University of Wisconsin
3 System institutions, the University of Wisconsin–Madison, technical college district
4 boards, private schools, tribal schools, and agencies or organizations that provide
5 services to pupils. A board of control may also contract with one or more school
6 boards to operate a charter school under s. 118.40 (3) (c).

7 **SECTION 2463.** 117.15 (6) of the statutes is amended to read:

8 117.15 (6) The socioeconomic level and racial composition of the pupils who
9 reside or will reside in territory proposed to be detached from one school district and
10 attached to an adjoining school district, in territory proposed to be included in a new
11 school district under s. 117.105 or in school districts proposed to be consolidated or
12 in a school district proposed to be dissolved; the proportion of the pupils who reside
13 in such territory who are children at risk, ~~as defined under s. 118.153 (1) (a)~~; and the
14 effect that the pupils described in this paragraph will have on the present and future
15 socioeconomic level and racial composition of the affected school districts and on the
16 proportion of the affected school districts' enrollments that will be children at risk.

17 **SECTION 2464.** 118.015 (2) of the statutes is repealed.

18 **SECTION 2465.** 118.015 (3) (title) of the statutes is repealed.

19 **SECTION 2466.** 118.015 (3) (intro.) of the statutes is repealed.

20 **SECTION 2467.** 118.015 (3) (a) of the statutes is renumbered 118.015 (4) (am).

21 **SECTION 2468.** 118.015 (3) (b) of the statutes is repealed.

22 **SECTION 2469.** 118.015 (3) (c) of the statutes is repealed.

23 **SECTION 2470.** 118.015 (3) (d) of the statutes is repealed.

24 **SECTION 2471.** 118.015 (3) (e) of the statutes is renumbered 118.015 (4) (bm).

25 **SECTION 2472.** 118.07 (2) (b) of the statutes is amended to read:

BILL**SECTION 2472**

1 118.07 (2) (b) In each community having a recognized fire department, the
2 person having direct charge of any public or private school shall annually file a report
3 pertaining to such drills, on a form furnished by the department of ~~commerce~~ safety
4 and professional services, with the chief of the fire department. When no fire drill
5 is held during any month, or when only one or no tornado or other hazard drill is held
6 in a year, the person having direct charge of the school shall state the reasons in the
7 report.

8 **SECTION 2473.** 118.075 (2) (a) 2. of the statutes is amended to read:

9 118.075 (2) (a) 2. The secretary of ~~commerce~~ safety and professional services
10 or his or her designee.

11 **SECTION 2474.** 118.075 (2) (f) of the statutes is amended to read:

12 118.075 (2) (f) Upon completing its duties under par. (e), the task force shall
13 report its findings and recommendations to the appropriate standing committees of
14 the legislature under s. 13.172 (3) and to the governor. The task force shall cease to
15 exist on the date on which the department issues its model management plan ~~under~~
16 ~~sub. (3)~~.

17 **SECTION 2475.** 118.075 (3) of the statutes is repealed.

18 **SECTION 2476.** 118.075 (4) of the statutes is repealed.

19 **SECTION 2477.** 118.135 (2) of the statutes is amended to read:

20 118.135 (2) A pupil who complies with a request under sub. (1) shall provide
21 evidence of an eye examination or evaluation by December 31 following the pupil's
22 enrollment in kindergarten. The school board or charter school shall provide pupils
23 with the form distributed by the department of ~~regulation and licensing~~ safety and
24 professional services under s. 440.03 (16) for that purpose.

25 **SECTION 2478.** 118.15 (1) (b) of the statutes is amended to read:

BILL

1 118.15 (1) (b) Upon the child's request of the school board and with the written
2 approval of the child's parent or guardian, any child who is 16 years of age or over
3 and a child at risk, ~~as defined in s. 118.153 (1) (a),~~ may attend, in lieu of high school
4 or on a part-time basis, a technical college if the child and his or her parent or
5 guardian agree, in writing, that the child will participate in a program leading to the
6 child's high school graduation. The district board of the technical college district in
7 which the child resides shall admit the child. Every technical college district board
8 shall offer day class programs satisfactory to meet the requirements of this
9 paragraph and s. 118.33 (3m) as a condition to the receipt of any state aid.

10 **SECTION 2479.** 118.153 (title) and (1) (intro.) of the statutes are repealed.

11 **SECTION 2480.** 118.153 (1) (a) of the statutes is renumbered 115.001 (1m).

12 **SECTION 2481.** 118.153 (1) (b) of the statutes is renumbered 115.001 (2m).

13 **SECTION 2482.** 118.153 (2) to (7) of the statutes are repealed.

14 **SECTION 2483.** 118.16 (2) (cg) 2. of the statutes is amended to read:

15 118.16 (2) (cg) 2. A statement that the parent, guardian or child may request
16 program or curriculum modifications for the child under s. 118.15 (1) (d) ~~and that the~~
17 ~~child may be eligible for enrollment in a program for children at risk under s. 118.153~~
18 ~~(3).~~

19 **SECTION 2484.** 118.16 (2m) (a) 2. of the statutes is amended to read:

20 118.16 (2m) (a) 2. An employee of the school district who is directly involved
21 in the provision of a modified program or curriculum under s. 118.15 (1) (d), ~~a~~
22 ~~program for children at risk under s. 118.153 or an alternative educational program~~
23 under s. 119.82 or any other alternative educational program to children who attend
24 the school attended by the truant child, if the school district administrator believes
25 that the program or curriculum may be appropriate for the truant child.

BILL**SECTION 2485**

1 **SECTION 2485.** 118.163 (1) (a) of the statutes is repealed.

2 **SECTION 2486.** 118.19 (1) of the statutes is amended to read:

3 118.19 (1) Except as provided in s. 118.40 (8) (b) 2., any person seeking to teach
4 in a public school, including a charter school other than a charter school established
5 under s. 118.40 (2r), or in a school or institution operated by a county or the state shall
6 first procure a license or permit from the department.

7 **SECTION 2487.** 118.205 of the statutes is created to read:

8 **118.205 Residency requirements.** (1) In this section, “teacher” means any
9 person holding a license or permit issued by the state superintendent whose
10 employment by a school district requires that he or she hold that license or permit.

11 (2) A school board may not require, as a condition of employment, that a teacher
12 reside within the school district.

13 **SECTION 2488.** 118.29 (6) of the statutes, as created by 2009 Wisconsin Act 160,
14 is amended to read:

15 118.29 (6) TRAINING. Notwithstanding sub. (2) (a) 1. to 2r., no school bus driver,
16 employee, or volunteer may administer a nonprescription drug product or
17 prescription drug under sub. (2) (a) 1. or 2., use an epinephrine auto-injector under
18 sub. (2) (a) 2m., or administer glucagon under sub. (2) (a) 2r. unless he or she has
19 received training, ~~approved by the department~~, in administering nonprescription
20 drug products and prescription drugs. This subsection does not apply to health care
21 professionals.

22 **SECTION 2489.** 118.35 (4) of the statutes is amended to read:

23 118.35 (4) From the appropriation under s. 20.255 (2) (fy), the department shall
24 award grants to nonprofit organizations, cooperative educational service agencies,
25 the University of Wisconsin-Madison, and the school district operating under ch. 119

BILL**SECTION 2489**

1 for the purpose of providing ~~advanced curriculum and assessments for~~ to gifted and
2 talented pupils those services and activities not ordinarily provided in a regular
3 school program that allow such pupils to fully develop their capabilities.

4 **SECTION 2490.** 118.38 (2) (bm) of the statutes is amended to read:

5 118.38 (2) (bm) The department shall promulgate rules establishing criteria
6 for waiving the requirement to schedule at least the number of hours of direct pupil
7 instruction specified under s. 121.02 (1) (f) ~~2.~~ if school is closed for a reason specified
8 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c).

9 **SECTION 2491.** 118.40 (2r) (b) 1. b. and c. of the statutes are repealed.

10 **SECTION 2492.** 118.40 (2r) (b) 1. e. of the statutes is created to read:

11 118.40 (2r) (b) 1. e. The chancellor of an institution, as defined in s. 36.05 (9),
12 within the University of Wisconsin System.

13 **SECTION 2493.** 118.40 (2r) (b) 1. g. of the statutes is created to read:

14 118.40 (2r) (b) 1. g. The chancellor of the University of Wisconsin–Madison.

15 **SECTION 2494.** 118.40 (2r) (b) 2. of the statutes is amended to read:

16 118.40 (2r) (b) 2. A charter shall include all of the provisions specified under
17 sub. (1m) (b) 3. to 14. A contract shall include all of the provisions specified under
18 sub. (1m) (b) 1. to 14. and shall specify the effect of the establishment of the charter
19 school on the liability of the contracting entity under this paragraph. The contract
20 may include other provisions agreed to by the parties. The chancellor of ~~the~~
21 ~~University of Wisconsin–Milwaukee or of the University of Wisconsin–Parkside~~ may
22 not an institution within the University of Wisconsin System may not establish or
23 enter into a contract for the establishment of a charter school under this paragraph
24 without the approval of the board of regents of the University of Wisconsin System.

25 **SECTION 2495.** 118.40 (2r) (b) 3. of the statutes is repealed.

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SECTION 2496. 118.40 (2r) (bm) of the statutes is amended to read:

118.40 (2r) (bm) The common council of the city of Milwaukee, ~~the chancellor of the University of Wisconsin-Milwaukee, and the Milwaukee area technical college district board may only establish or enter into a contract for the establishment of a charter school located only in the school district operating under ch. 119. The chancellor of the University of Wisconsin-Parkside may only establish or enter into a contract for the establishment of a charter school located in a unified school district that is located in the county in which the University of Wisconsin-Parkside is situated or in an adjacent county.~~

SECTION 2497. 118.40 (2r) (cm) of the statutes is repealed.

SECTION 2498. 118.40 (2r) (d) 1. of the statutes is amended to read:

118.40 (2r) (d) 1. Ensure that all instructional staff of charter schools under this subsection ~~hold a license or permit to teach issued by the department~~ have a bachelor's degree from an accredited institution of higher education.

SECTION 2499. 118.40 (2r) (e) 1. a. of the statutes is renumbered 118.40 (2r) (e) 1m. and amended to read:

118.40 (2r) (e) 1m. In the ~~2009-10~~ 2011-12 and ~~2010-11~~ 2012-13 school years, from the appropriation under s. 20.255 (2) (fm), the department shall pay to the operator of the charter school an amount equal to the sum of the amount paid per pupil under this ~~subdivision~~ paragraph in the previous school year and the increase in the per pupil amount paid to private schools under s. 119.23 (4) (b) 2. or (bg) in the current school year as compared to the previous school year, multiplied by the number of pupils attending the charter school.

SECTION 2500. 118.40 (2r) (e) 1. b. of the statutes is renumbered 118.40 (2r) (e) 2m. and amended to read:

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1 118.40 (2r) (e) 2m. In the ~~2011-12~~ 2013-14 school year and in each school year
2 thereafter, from the appropriation under s. 20.255 (2) (fm), the department shall pay
3 to the operator of the charter school an amount equal to the sum of the amount paid
4 per pupil under this ~~subdivision~~ paragraph in the previous school year and the per
5 pupil revenue limit adjustment under s. 121.91 (2m) in the current school year,
6 multiplied by the number of pupils attending the charter school.

7 **SECTION 2501.** 118.40 (2r) (e) 1. c. of the statutes is renumbered 118.40 (2r) (e)
8 3m. and amended to read:

9 118.40 (2r) (e) 3m. The amount paid per pupil under this ~~subdivision~~
10 paragraph may not be less than the amount paid per pupil under this ~~subdivision~~
11 paragraph in the previous school year. The department shall pay 25% of the total
12 amount in September, 25% in December, 25% in February, and 25% in June. The
13 department shall send the check to the operator of the charter school.

14 **SECTION 2502.** 118.40 (2r) (e) 2. of the statutes is repealed.

15 **SECTION 2503.** 118.40 (2r) (f) of the statutes is repealed.

16 **SECTION 2504.** 118.40 (3) (d) of the statutes is amended to read:

17 118.40 (3) (d) A school board or an entity under sub. (2r) (b) shall give
18 preference in awarding contracts for the operation of charter schools to those charter
19 schools that serve children at risk, ~~as defined in s. 118.153 (1) (a).~~

20 **SECTION 2505.** 118.40 (7) (am) 2. of the statutes is amended to read:

21 118.40 (7) (am) 2. A charter school established under sub. (2r) or a private
22 school located in the school district operating under ch. 119 that is converted to a
23 charter school is not an instrumentality of any school district and no school board
24 may employ any personnel for the charter school. If the chancellor of an institution
25 within the University of ~~Wisconsin-Parkside~~ Wisconsin System contracts for the

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1 establishment of a charter school under sub. (2r), the board of regents of the
2 University of Wisconsin System may employ instructional staff for the charter
3 school.

4 **SECTION 2506.** 118.40 (8) (d) 2. of the statutes is amended to read:

5 118.40 (8) (d) 2. Ensure that its teachers are available to provide direct pupil
6 instruction for at least the applicable number of hours specified in s. 121.02 (1) (f) 2.
7 each school year. No more than 10 hours in any 24-hour period may count toward
8 the requirement under this subdivision.

9 **SECTION 2507.** 118.40 (8) (h) of the statutes is repealed.

10 **SECTION 2508.** 118.51 (3) (intro.) of the statutes is created to read:

11 118.51 (3) (intro.) Except as provided under sub. (3m), the following procedures
12 govern pupil applications to attend a public school in a nonresident school district
13 under this section:

14 **SECTION 2509.** 118.51 (3) (a) 1. of the statutes is amended to read:

15 118.51 (3) (a) 1. The parent of a pupil who wishes to attend a public school in
16 a nonresident school district under this section shall submit an application, on a form
17 provided by the department under sub. (15) (a), to the school board of the nonresident
18 school district that the pupil wishes to attend, not earlier than the first Monday in
19 February and not later than the ~~3rd Friday following the first Monday in February~~
20 last weekday in April of the school year immediately preceding the school year in
21 which the pupil wishes to attend. Applications may be submitted to no more than
22 3 nonresident school boards in any school year. ~~On the 4th Monday in February, the~~
23 The nonresident school board shall send a copy of the application to the pupil's
24 resident school board and the department by the end of the first weekday following

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1 the last weekday in April. The application may include a request to attend a specific
2 school or program offered by the nonresident school district.

3 **SECTION 2510.** 118.51 (3) (a) 1m. of the statutes is created to read:

4 118.51 (3) (a) 1m. By the first Friday following the first Monday in May, the
5 resident school board shall send to the nonresident school district a copy of the
6 individualized education program developed under s. 115.787 (2) for a child with a
7 disability whose parent submitted an application under subd. 1.

8 **SECTION 2511.** 118.51 (3) (a) 2., 3. and 4. of the statutes are amended to read:

9 118.51 (3) (a) 2. A nonresident school board may not act on any application
10 received under subd. 1. ~~until after the 3rd Friday following the first Monday in~~
11 ~~February before May 1.~~ If a nonresident school board receives more applications for
12 a particular grade or program than there are spaces available in the grade or
13 program, the nonresident school board shall determine which pupils to accept,
14 including pupils accepted from a waiting list under sub. (5) (d), on a random basis,
15 after giving preference to pupils and to siblings of pupils who are already attending
16 the nonresident school district and, if the nonresident school district is a union high
17 school district, to pupils who are attending an underlying elementary school district
18 of the nonresident school district under this section. If a nonresident school board
19 determines that space is not otherwise available for open enrollment pupils in the
20 grade or program to which an individual has applied, the school board may
21 nevertheless accept a pupil or the sibling of a pupil who is already attending the
22 nonresident school district and, if the nonresident school district is a union high
23 school district, a pupil who is attending an underlying elementary school district of
24 the nonresident school district under this section.

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1 3. ~~On~~ Except as provided under sub. (5) (d) 1., on or before the first Friday
2 following the first Monday in ~~April~~ June following receipt of the application, the
3 nonresident school board shall notify the applicant, in writing, whether it has
4 accepted the application. If the nonresident school board has accepted the applicant,
5 the school board shall identify the specific school or program that the applicant may
6 attend in the following school year. If the nonresident school board rejects an
7 application, it shall include in the notice the reason for the rejection.

8 4. On or before the first 2nd Friday following the first Monday in ~~April~~ June
9 following receipt of a copy of the application, if a resident school board denies a pupil's
10 enrollment in a nonresident school district under sub. (6), (7) or (12) (b) 1., the
11 resident school board shall notify the applicant and the nonresident school board, in
12 writing, that the application has been denied and include in the notice the reason for
13 the denial.

14 **SECTION 2512.** 118.51 (3) (a) 5. of the statutes is repealed.

15 **SECTION 2513.** 118.51 (3) (a) 6. of the statutes is amended to read:

16 118.51 (3) (a) 6. If Except as provided in sub. (5) (d) 2., if an application is
17 accepted, on or before the first last Friday ~~following the first Monday~~ in June
18 following receipt of a notice of acceptance, or within 10 days of receiving a notice of
19 acceptance if a pupil is selected from a waiting list under ~~s. 118.40 (8) (h) 5.~~ sub. (5)
20 (d), the pupil's parent shall notify the nonresident school board of the pupil's intent
21 to attend school in that school district in the following school year.

22 **SECTION 2514.** 118.51 (3) (a) 7. of the statutes is repealed.

23 **SECTION 2515.** 118.51 (3) (b) of the statutes is amended to read:

24 118.51 (3) (b) *Notice to resident school district.* Annually by ~~June 30~~ July 7,
25 each nonresident school board that has accepted a pupil under this section for

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1 attendance in the following school year shall report the name of the pupil to the
2 pupil's resident school board. ~~If a pupil is selected from a waiting list under s. 118.40~~
3 ~~(8) (h) 5., the nonresident school board shall report the name of the pupil to the pupil's~~
4 ~~resident school board within 10 days of receiving notice of the pupil's selection from~~
5 ~~the department.~~

6 **SECTION 2516.** 118.51 (3m) of the statutes is created to read:

7 118.51 (3m) ALTERNATIVE APPLICATION PROCEDURES UNDER CERTAIN
8 CIRCUMSTANCES. (a) Notwithstanding sub. (3), the parent of a pupil who wishes to
9 attend a public school in a nonresident school district under this section may, in lieu
10 of applying under sub. (3), submit an application under this subsection, on a form
11 provided by the department under sub. (15) (a), to the school board of the nonresident
12 school district that the pupil wants to attend if the pupil satisfies at least one of the
13 criteria under par. (b). Applications may be submitted to no more than 3 nonresident
14 school boards in any school year.

15 (b) The parent of a pupil may apply under this subsection only if the pupil meets
16 one of the following criteria, and shall describe the criteria that the pupil meets in
17 the application:

18 1. The resident school board determines that the pupil has been the victim of
19 a violent criminal offense, as defined by the department by rule. An application
20 made on the basis of this criteria is not valid unless the nonresident school board
21 receives the application within 30 days after the determination of the resident school
22 board.

23 2. The pupil is or has been a homeless pupil in the current or immediately
24 preceding school year. In this subdivision, "homeless pupil" means an individual who

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1 is included in the category of homeless children and youths, as defined in 42 USC
2 11434a (2).

3 3. The pupil has been the victim of repeated bullying or harassment and all of
4 the following apply:

5 a. The pupil's parent has reported the bullying or harassment to the resident
6 school board.

7 b. Despite action taken under subd. 3. a., the repeated bullying and harassment
8 continues.

9 4. The place of residence of the pupil's parent or guardian and of the pupil has
10 changed as a result of military orders. An application made on the basis of this
11 criteria is not valid unless the nonresident school board receives the application no
12 later than 30 days after the date on which the military orders changing the place of
13 residence were issued.

14 5. The pupil moved into this state. An application made on the basis of this
15 criteria is not valid unless the nonresident school board receives the application no
16 later than 30 days after moving into this state.

17 6. The place of residence of the pupil has changed as a result of a court order
18 or custody agreement or because the pupil was placed in a foster home or with a
19 person other than the pupil's parent, or removed from a foster home or from the home
20 of a person other than the pupil's parent. An application made on the basis of this
21 criteria is not valid unless the nonresident school board receives the application no
22 later than 30 days after the pupil's change in residence.

23 7. The parent of the pupil and the nonresident school board agree that
24 attending school in the nonresident school district is in the best interests of the pupil.

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1 (c) If a nonresident school board receives an application under par. (a), the
2 nonresident school board shall immediately forward a copy of the application to the
3 resident school board, and shall notify the applicant, in writing, whether it has
4 accepted the application no later than 20 days after receiving the application. If the
5 nonresident school board has accepted the application, the nonresident school board
6 shall identify the specific school or program that the pupil may attend.

7 (d) A resident school district may notify an applicant under par. (a) that the
8 pupil may not attend a school or program in the nonresident school district only for
9 the following reasons:

10 1. The resident school district determines that the criteria relied on by the
11 applicant under par. (b) does not apply to the pupil.

12 2. a. Except as provided in subd. 2. b., the resident school district determines
13 that the costs of the special education or related services required in the
14 individualized education program under s. 115.787 (2) for a child with a disability
15 whose parent has submitted an application under par. (a), as proposed to be
16 implemented by the nonresident school district, would impose upon the child's
17 resident school district an undue financial burden in light of the resident school
18 district's total economic circumstances, including its revenue limit under subch. VII
19 of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil special
20 education or related services costs for children with disabilities continuing to be
21 served by the resident school district.

22 b. Subdivision 2. a. does not apply to a pupil who submits an application under
23 par. (a) if the pupil relied upon the criteria set forth in par. (b) 1.

24 (e) If an application is accepted by the nonresident school board under par. (c),
25 the pupil may immediately begin attending the school or program in the nonresident

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1 school district and shall begin attending the school or program no later than the 15th
2 day following receipt by the parent of the pupil of the notice of acceptance under par.
3 (c). If the pupil has not enrolled in or attended school in the nonresident school
4 district by the day specified in this paragraph, the nonresident school district may
5 notify the pupil's parent, in writing, that the pupil is no longer authorized to attend
6 the school or program in the nonresident school district.

7 **SECTION 2517.** 118.51 (5) (a) (intro.) of the statutes is amended to read:

8 118.51 **(5)** (a) *Permissible criteria.* (intro.) Except as provided in sub. (3) (a)
9 2., the criteria for accepting and rejecting applications from nonresident pupils
10 under ~~sub.~~ subs. (3) (a) and (3m) (a) may include only the following:

11 **SECTION 2518.** 118.51 (5) (a) 1. (intro.) of the statutes is amended to read:

12 118.51 **(5)** (a) 1. (intro.) The availability of space in the schools, programs,
13 classes, or grades within the nonresident school district. The nonresident school
14 board shall determine the number of regular education and special education spaces
15 available within the school district in the January meeting of the school board, except
16 that for the 2011-12 school year the board shall determine the number of regular
17 education and special education spaces available within the school district in the
18 February meeting of the school board. In determining the availability of space, the
19 nonresident school board may consider criteria such as class size limits,
20 pupil-teacher ratios, or enrollment projections established by the nonresident school
21 board and may include in its count of occupied spaces all of the following:

22 **SECTION 2519.** 118.51 (5) (a) 1. b. of the statutes is amended to read:

23 118.51 **(5)** (a) 1. b. Pupils and siblings of pupils who have applied under sub.
24 (3) (a) or (3m) (a) and are already attending the nonresident school district.

25 **SECTION 2520.** 118.51 (5) (a) 1. c. of the statutes is amended to read:

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1 118.51 (5) (a) 1. c. If the nonresident school district is a union high school
2 district, pupils who have applied under sub. (3) (a) or (3m) (a) and are currently
3 attending an underlying elementary school district of the nonresident school district
4 under this section.

5 **SECTION 2521.** 118.51 (5) (d) of the statutes is renumbered 118.51 (5) (d) 1. and
6 amended to read:

7 118.51 (5) (d) 1. The school board of a nonresident school district may create
8 a waiting list of pupils whose applications were rejected under sub. (3) (a) 3. The
9 nonresident school board may accept pupils from a waiting list created under this
10 paragraph until the 3rd Thursday in September but only if the pupil will be in
11 attendance at the school or program in the nonresident school district on the 3rd
12 Friday in September. Notwithstanding sub. (3) (a) 6., if a pupil is accepted from a
13 waiting list created under this paragraph after the start of the school term, the
14 parent shall immediately notify the resident school district of the pupil's intent to
15 attend school in the nonresident school district for the current school term.

16 3. The department shall promulgate rules to implement and administer this
17 paragraph.

18 **SECTION 2522.** 118.51 (5) (d) 2. of the statutes is created to read:

19 118.51 (5) (d) 2. A pupil accepted from a waiting list created under this
20 paragraph may attend the school or program in the nonresident school district even
21 if the pupil has attended a school or program in the pupil's resident school district
22 in the current school term, but not if the pupil has attended a school or program in
23 a nonresident school district in the current school term.

24 **SECTION 2523.** 118.51 (8) of the statutes is amended to read:

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1 118.51 (8) DISCIPLINARY RECORDS. Notwithstanding s. 118.125, for an
2 application submitted under sub. (3) (a), by the first Friday following the first
3 Monday in May, and within 10 days of receiving a copy of an application under sub.
4 (3m) (c), the resident school board shall provide to the nonresident school board to
5 which a pupil has applied under this section, ~~upon request by that school board,~~ a
6 copy of any expulsion findings and orders pertaining to the pupil, a copy of records
7 of any pending disciplinary proceeding involving the pupil, a written explanation of
8 the reasons for the expulsion or pending disciplinary proceeding and the length of
9 the term of the expulsion or the possible outcomes of the pending disciplinary
10 proceeding.

11 **SECTION 2524.** 118.51 (9) of the statutes is amended to read:

12 118.51 (9) APPEAL OF REJECTION. If the nonresident school board rejects an
13 application under sub. (3) (a) or (7), the resident school board prohibits a pupil from
14 attending public school in a nonresident school district under sub. (3m) (d), (6), (7)
15 or (12) (b) 1., or the nonresident school board prohibits a pupil from attending public
16 school in the nonresident school district under sub. (11), the pupil's parent may
17 appeal the decision to the department within 30 days after the decision. If the
18 nonresident school board provides notice that the special education or related service
19 is not available under sub. (12) (a), the pupil's parent may appeal the required
20 transfer to the department within 30 days after receipt of the notice. If the resident
21 school board provides notice of transfer under sub. (12) (b) 2., the pupil's parent may
22 appeal the required transfer to the department within 30 days after receipt of the
23 notice. The department shall affirm the school board's decision unless the
24 department finds that the decision was arbitrary or unreasonable.

25 **SECTION 2525.** 118.51 (12) (am) of the statutes is created to read:

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1 118.51 (12) (am) *Estimate of costs.* 1. The nonresident school district shall
2 prepare an estimate of the costs to provide the special education or related services
3 required in the individualized education program developed under s. 115.787 (2) for
4 a child with a disability whose parent has submitted an application under this
5 section. For an application submitted for a child with a disability under sub. (3) (a),
6 the nonresident school district shall provide a copy of the estimate of costs to the
7 resident school district by the 3rd Friday following the first Monday in May. For an
8 application submitted for a child with a disability under sub. (3m) (a), the
9 nonresident school district shall provide a copy of the estimate of costs to the resident
10 school district within 10 days after receiving or developing the individualized
11 education program for the applicant.

12 2. Except as provided in subd. 3., if the nonresident school district fails to
13 comply with the requirement under this section by the date specified, the
14 nonresident school district may not charge the resident school district for any actual,
15 additional costs incurred by the nonresident school district to provide the special
16 education and related services for the child with a disability.

17 3. Subdivision 2. does not apply if the resident school district fails to comply
18 with the requirements under sub. (3) (a) 1m.

19 **SECTION 2526.** 118.51 (12) (b) 1. of the statutes is amended to read:

20 118.51 (12) (b) 1. If the estimate of the costs of the special education or related
21 services required in the individualized education program under s. 115.787 (2) for a
22 child with a disability whose parent has submitted an application under sub. (3) (a),
23 as proposed to be implemented by the nonresident school district and as provided to
24 the resident school district as required under par. (am), would impose upon the
25 child's resident school district an undue financial burden in light of the resident

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1 school district's total economic circumstances, including its revenue limit under
2 subch. VII of ch. 121, its ability to pay tuition costs for the pupil, and the per pupil
3 special education or related services costs for children with disabilities continuing
4 to be served by the resident school district, the child's resident school board may
5 notify the child's parent and the nonresident school board by the ~~first~~ 2nd Friday
6 following the first Monday in ~~April~~ June that the pupil may not attend the
7 nonresident school district to which the child has applied.

8 **SECTION 2527.** 118.51 (15) (a) of the statutes is amended to read:

9 118.51 (15) (a) *Application form.* Prepare, distribute to school districts, and
10 make available to parents an application form to be used by parents under sub. (3)
11 (a) and an application form to be used by parents under sub. (3m) (a). The form shall
12 include provisions that permit a parent to apply for transportation reimbursement
13 under sub. (14) (b). The form shall require an applicant who is applying to attend
14 a virtual charter school to indicate that he or she is applying to attend a virtual
15 charter school, the number of virtual charter schools to which he or she is applying,
16 and whether he or she is a sibling of a pupil currently enrolled in a virtual charter
17 school through the open enrollment program.

18 **SECTION 2528.** 118.51 (15) (c) of the statutes is renumbered 118.51 (15) (c)
19 (intro.) and amended to read:

20 118.51 (15) (c) *Annual report.* (intro.) Annually submit a report to the governor,
21 and to the appropriate standing committees of the legislature under s. 13.172 (3), ~~on~~
22 the. The report under this paragraph shall include all of the following information:

23 1. The number of pupils who applied to attend public school in a nonresident
24 school district under this section, ~~the,~~

25 3. The number of applications denied and the bases for the denials, ~~and the,~~

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1 4. The number of pupils attending public school in a nonresident school district
2 under this section. The department shall specify, separately, the number of pupils
3 attending public school in a nonresident school district whose applications were
4 accepted under subs. (3) (a) 3. and (3m) (c), and, for the applications accepted under
5 sub. (3m) (c), the number of pupils attending under each of the criteria listed in sub.
6 (3m) (b).

7 **SECTION 2529.** 118.51 (15) (c) 2. of the statutes is created to read:

8 118.51 **(15)** (c) 2. The number of applications received under subs. (3) (a) and
9 (3m) (a) and, for the applications received under sub. (3m) (a), the number of
10 applications received under each of the criteria listed in sub. (3m) (b).

11 **SECTION 2530.** 118.55 (1) of the statutes is amended to read:

12 118.55 **(1)** DEFINITION. In this section, "institution of higher education" means
13 an institution within the University of Wisconsin System, the University of
14 Wisconsin-Madison, a tribally controlled college or a private, nonprofit institution
15 of higher education located in this state.

16 **SECTION 2531.** 118.55 (5) (a) of the statutes is amended to read:

17 118.55 **(5)** (a) If the pupil is attending an institution within the University of
18 Wisconsin System or the University of Wisconsin-Madison, the actual cost of tuition,
19 fees, books and other necessary materials directly related to the course.

20 **SECTION 2532.** 118.55 (7r) (a) 4. of the statutes is amended to read:

21 118.55 **(7r)** (a) 4. The pupil is not a child at risk, ~~as defined in s. 118.153 (1) (a).~~

22 **SECTION 2533.** 119.04 (1) of the statutes is amended to read:

23 119.04 **(1)** Subchapters IV, V and VII of ch. 115, ch. 121 and ss. 66.0235 (3) (c),
24 66.0603 (1m) to (3), 115.01 (1) and (2), 115.28, 115.31, 115.33, 115.34, 115.343,
25 115.345, ~~115.361~~, 115.365 (3), 115.38 (2), 115.445, ~~115.45~~, 118.001 to 118.04, 118.045,

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1 118.06, 118.07, 118.075, 118.076, 118.10, 118.12, 118.125 to 118.14, 118.145 (4),
 2 118.15, ~~118.153~~, 118.16, 118.162, 118.163, 118.164, 118.18, 118.19, 118.20, 118.225,
 3 118.24 (1), (2) (c) to (f), (6), (8), and (10), 118.255, 118.258, 118.291, 118.30 to 118.43,
 4 118.46, 118.51, 118.52, 118.55, 120.12 (5) and (15) to (27), 120.125, 120.13 (1), (2) (b)
 5 to (g), (3), (14), (17) to (19), (26), (34), (35), (37), (37m), and (38), 120.14, 120.21 (3),
 6 and 120.25 are applicable to a 1st class city school district and board.

7 **SECTION 2534.** 119.18 (6) (intro.) and (b) of the statutes are consolidated,
 8 renumbered 119.18 (6) and amended to read:

9 119.18 (6) SCHOOL CALENDAR. The board may determine the school calendar and
 10 vacation periods for each school year for the regular day schools, summer schools,
 11 social centers, and playgrounds, ~~except that: (b).~~ The board may close any school or
 12 dismiss any class in the event of an emergency, fire or other casualty, quarantine, or
 13 epidemic.

14 **SECTION 2535.** 119.18 (6) (a) of the statutes is repealed.

15 **SECTION 2536.** 119.23 (2) (a) (intro.) of the statutes is amended to read:

16 119.23 (2) (a) (intro.) ~~Subject to par. (b), any~~ Any pupil in grades kindergarten
 17 to 12 who resides within the city may attend, ~~at no charge,~~ any private school located
 18 in the city Milwaukee County if all of the following apply:

19 → **SECTION 2537.** 119.23 (2) (a) 1. of the statutes is/amended to read:

20 119.23 (2) (a) 1. ^{a.} The Except as provided in subd. (2), the pupil is a member of
 21 a family that has a total family income that does not exceed an amount equal to 1.75
 22 times the poverty level determined in accordance with criteria established by the
 23 director of the federal office of management and budget. A pupil attending a private
 24 school under this section whose family income increases may continue to attend a
 25 private school under this section if the pupil is a member of a family that has a total

fix
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(2)(a) 1. a.
renumbered 119.23(2)(a) 10 a0
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1 family income that does not exceed an amount equal to 2.2 times the poverty level
2 determined in accordance with criteria established by the director of the federal
3 office of management and budget. For purposes of admission to a private school
4 under this section, siblings of pupils attending a private school under this section are
5 subject to the higher income limit. If a pupil attending a private school under this
6 section ceases to attend a private school under this section, the lower income limit
7 applies unless the pupil is a sibling of a pupil attending a private school under this
8 section.

9 **SECTION 2538.** 119.23 (2) (a) ¹⁰⁶⁰ of the statutes is created to read: ^a the family income

10 119.23 (2) (a) ¹⁰⁶⁰ Beginning in the 2011-12 school year, ^{limits in subd 1060} ~~the pupil did not enroll~~ ^{not}
11 ^{pupil did not} ~~in or~~ attend a school participating in the program under this section ~~at any time~~ ^{apply if}
12 during the 2010-11 school year. ^{the}

13 **SECTION 2539.** 119.23 (2) (b) of the statutes is repealed.

14 **SECTION 2540.** 119.23 (3) (a) of the statutes is amended to read:

15 119.23 (3) (a) The pupil or the pupil's parent or guardian shall submit an
16 application, on a form provided by the state superintendent, to the participating
17 private school that the pupil wishes to attend. Within 60 days after receiving the
18 application, the private school shall notify the applicant, in writing, whether the
19 application has been accepted. If the private school rejects an application, the notice
20 shall include the reason. The private school shall indicate in its letter of acceptance
21 the amount of the payment the parent or guardian of the pupil will receive under sub.
22 (4) and, if applicable, sub. (4m). A private school may reject an applicant only if it
23 has reached its maximum general capacity or seating capacity. The state
24 superintendent shall ensure that the private school determines which pupils to

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1 accept on a random basis, except that the private school may give preference in
2 accepting applications to siblings of pupils accepted on a random basis.

3 **SECTION 2541.** 119.23 (3m) of the statutes is created to read:

4 119.23 (3m) (a) For a pupil who applies to attend a private school participating
5 in the program under this section under ^{to whom} sub. (2) (a) 1, whose application is accepted
6 under sub. (3) (a), and who is a member of a family that has a total family income that ^{also applies}
7 does not exceed an amount equal to 2.2 times the poverty level determined in
8 accordance with criteria established by the director of the federal office of
9 management and budget, the private school may not charge or receive any payment
10 for the pupil other than the payment the school receives under sub. (4) and, if
11 applicable, sub. (4m).

12 (b) 1. Except as provided in subd. 2., for a pupil who applies to attend a private
13 school participating in the program under this section under ^{to whom} sub. (2) (a) 2, ^{also applies} and whose
14 application is accepted under sub. (3) (a), the private school may, in addition to the
15 payment it receives for the pupil under sub. (4) and, if applicable, sub. (4m), charge
16 the pupil tuition and fees in an amount determined by the school.

17 2. The private school may not charge or receive any additional payment for a
18 pupil who applies to attend the private school under ^{to whom} sub. (2) (a) 2, ^{also applies} and whose
19 application is accepted under sub. (3) (a) if the pupil is a member of a family that has
20 a total family income that does not exceed an amount equal to 3.25 times the poverty
21 level determined in accordance with criteria established by the director of the federal
22 office of management and budget.

23 **SECTION 2542.** 119.23 (4) (bg) of the statutes is amended to read:

24 119.23 (4) (bg) In the ~~2009-10~~ 2011-12 and ~~2010-11~~ 2012-13 school years,
25 upon receipt from the pupil's parent or guardian of proof of the pupil's enrollment in

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1 the private school during a school term, the state superintendent shall pay to the
2 parent or guardian, from the appropriation under s. 20.255 (2) (fu), an amount equal
3 to the private school's operating and debt service cost per pupil that is related to
4 educational programming, as determined by the department, or \$6,442, whichever
5 is less.

6 **SECTION 2543.** 119.23 (5) of the statutes is renumbered 119.23 (5) (b).

7 **SECTION 2544.** 119.23 (5) (a) of the statutes is created to read:

8 119.23 (5) (a) A private school participating in the program under this section
9 shall immediately notify the department of a decision to cease educational
10 programming operations.

11 **SECTION 2545.** 119.23 (7) (d) 1. of the statutes is renumbered 119.23 (7) (d) 1.

12 b. and amended to read:

13 119.23 (7) (d) 1. b. A copy of the school's current certificate of occupancy issued
14 by the city municipality within which the school is located. If the private school
15 moves to a new location, the private school shall submit a copy of the new certificate
16 of occupancy issued by the city municipality within which the school is located to the
17 department before the attendance of pupils at the new location and before the next
18 succeeding date specified in s. 121.05 (1) (a). A temporary certificate of occupancy
19 does not meet the requirement of this subdivision.

20 **SECTION 2546.** 119.23 (7) (d) 1. a. of the statutes is created to read:

21 119.23 (7) (d) 1. a. In this subdivision, "municipality" has the meaning given
22 in s. 5.02 (11).

23 **SECTION 2547.** 119.23 (7) (e) 1. of the statutes is amended to read:

24 119.23 (7) (e) 1. ~~In the 2009-10 school year~~ Annually, each private school
25 participating in the program under this section shall administer a nationally normed

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1 standardized test in reading, mathematics, and science to pupils attending the
2 school under the program in the 4th, 8th, and 10th grades. ~~Beginning in the 2010-11~~
3 ~~school year and annually thereafter, each private school participating in the program~~
4 ~~under this section shall administer the examinations required under s. 118.30 (1s)~~
5 ~~to pupils attending the school under the program.~~ The private school may administer
6 additional standardized tests to such pupils. Beginning in 2006 and annually
7 thereafter until 2011, the private school shall provide the scores of all standardized
8 tests and examinations that it administers under this subdivision to the School
9 Choice Demonstration Project.

10 **SECTION 2548.** 119.23 (7) (g) of the statutes is repealed.

11 **SECTION 2549.** 119.23 (7m) of the statutes is created to read:

12 119.23 (7m) (a) Evidence of any of the following circumstances may indicate
13 that a private school participating in the program under this section does not utilize
14 sound fiscal practices, is not financially viable, or does not have the financial ability
15 to continue educational programming operations:

16 1. The private school's budget and statement of cash flows reveal that the
17 private school has inadequate revenues and other financial resources to fund current
18 operations.

19 2. The audit opinion statement submitted by the private school as required
20 under sub. (7) (am) 1. contains a qualification as to the private school's ability to
21 continue as a going concern.

22 3. The private school failed to make a payment to a vendor for services provided
23 to the private school or to an employee or other individual for expenses incurred on
24 behalf of the private school within 90 days of receipt of invoice or payment request
25 or as per written agreement, or has failed to make payments to an employee

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1 pursuant to a written document specifying compensation and dates for payment, as
2 indicated in a written communication from the vendor, employee, or other individual.

3 4. The private school failed to make a filing with or withholding payment to the
4 federal Internal Revenue Service, the Wisconsin department of revenue, or the
5 Wisconsin department of workforce development as indicated in a written
6 communication from one of these agencies.

7 5. An audit, required of the private school by a federal or state agency or local
8 governmental unit and provided to the department of public instruction in
9 compliance with reporting requirements promulgated by the department pursuant
10 to sub. (11), contained questioned costs or findings related to compliance that may
11 affect the private school's ability to continue.

12 6. The private school failed to refund to the department the amount of any
13 overpayment made to the private school under sub. (4) (b) or (bg) or (4m), or the
14 amount of any payment made to the private school for a pupil ineligible to attend the
15 private school under this section.

16 (b) If the department determines that any of the circumstances under par. (a)
17 applies to a private school, the private school shall, upon written request, provide to
18 the department any information required by the department, including an audit of
19 the private school's financial statements in accordance with generally accepted
20 accounting principles, to permit the department to determine whether the private
21 school is utilizing sound fiscal practices, is financially viable, or is financially able
22 to continue educational programming operations.

23 **SECTION 2550.** 119.23 (11) of the statutes is renumbered 119.23 (11) (intro.) and
24 amended to read:

25 119.23 (11) The department shall ~~promulgate~~ do all of the following:

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1 (a) Promulgate rules to implement and administer this section.

2 **SECTION 2551.** 119.23 (11) (b) of the statutes is created to read:

3 119.23 (11) (b) Notify each private school participating in the program under
4 this section and the parents and guardians of each pupil attending a private school
5 under this section of any proposed changes to the program or to administrative rules
6 governing the program, including changes to application or filing deadlines but not
7 including changes to provisions governing health or safety, prior to the beginning of
8 the school year in which the change takes effect.

9 **SECTION 2552.** 119.245 of the statutes is repealed.

10 **SECTION 2553.** 119.495 (2) of the statutes is amended to read:

11 119.495 (2) The board shall include in its budget transmitted to the common
12 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing
13 to be authorized in the budget for the ensuing year. The common council shall issue
14 the notes and levy a direct annual irrepealable tax sufficient to pay the principal and
15 interest on the notes as they become due. The common council may issue the notes
16 by private sale. The common council shall make every effort to involve a minority
17 investment firm certified under s. ~~560.036~~ 490.04 as managing underwriter of the
18 notes or to engage a minority financial adviser certified under s. ~~560.036~~ 490.04 to
19 advise the city regarding any public sale of the notes.

20 **SECTION 2554.** 119.496 (2) of the statutes is amended to read:

21 119.496 (2) The board shall include in its budget transmitted to the common
22 council under s. 119.16 (8) (b) a written notice specifying the amount of borrowing
23 to be authorized in the budget for the ensuing year. The common council shall issue
24 the notes and levy a direct annual irrepealable tax sufficient to pay the principal and
25 interest on the notes as they become due. The common council may issue the notes

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1 by private sale. The common council shall establish goals of involving minority
2 investment firms certified under s. ~~560.036~~ 490.04 as managing underwriters for at
3 least 50% of the total amount financed by the notes and of engaging a minority
4 financial adviser certified under s. ~~560.036~~ 490.04 to advise the city regarding any
5 public sale of the notes.

6 **SECTION 2555.** 120.12 (3) (a), (b) and (c) of the statutes are amended to read:

7 120.12 (3) (a) ~~On Annually on~~ or before November 1, determine the amount
8 necessary to be raised to operate and maintain the schools of the school district and
9 public library facilities operated by the school district under s. 43.52, if the annual
10 meeting has not voted a tax sufficient for such purposes for the school year. ~~On~~
11 Annually on or before November 6, or, in those years in which a November general
12 election is held, the 7th calendar day after the day of the general election, the school
13 district clerk shall certify the appropriate amount so determined to each appropriate
14 municipal clerk who shall assess the amount certified and enter it on the tax rolls
15 as other school district taxes are assessed and entered.

16 (b) If a tax sufficient to operate and maintain the schools of a school district for
17 the ensuing school year has not been determined, certified and levied prior to the
18 effective date of school district reorganization under ch. 117 affecting any territory
19 of the school district, the school board of the affected school district shall determine,
20 on or before the November 1 following the effective date of the reorganization, the
21 amount of deficiency in operation and maintenance funds on the effective date of the
22 reorganization which should have been paid by the property in the affected school
23 district if the tax had been determined, certified and assessed prior to the effective
24 date of the reorganization. ~~On or before November 6,~~ or, in those years in which a
25 November general election is held, the 7th calendar day after the day of the general

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1 election, the school district clerk shall certify the appropriate amount to each
2 appropriate municipal clerk who shall assess, enter and collect the amount as a
3 special tax on the property. This paragraph does not affect the apportionment of
4 assets and liabilities under s. 66.0235.

5 (c) If on or before November 1 the school board determines that the annual
6 meeting has voted a tax greater than that needed to operate the schools of the school
7 district for the school year, the school board may lower the tax voted by the annual
8 meeting. On or before November 6, or, in those years in which a November general
9 election is held, the 7th calendar day after the day of the general election, the school
10 district clerk shall certify the appropriate amount so determined to each appropriate
11 municipal clerk who shall assess the amount certified to him or her and enter it on
12 the tax rolls in lieu of the amount previously reported.

13 **SECTION 2556.** 120.12 (15) of the statutes is amended to read:

14 120.12 (15) SCHOOL HOURS. Establish rules scheduling the hours of a normal
15 school day. The school board may differentiate between the various elementary and
16 high school grades in scheduling the school day. ~~The equivalent of 180 such days, as~~
17 ~~defined in s. 115.01 (10), shall be held during the school term.~~ This subsection shall
18 not be construed to eliminate a school district's duty to bargain with the employee's
19 collective bargaining representative over any calendaring proposal which is
20 primarily related to wages, hours, and conditions of employment.

21 **SECTION 2557.** 120.12 (27) (a) and (b) of the statutes are amended to read:

22 120.12 (27) (a) Within 24 hours of a school being closed for a reason specified
23 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under
24 s. 252.02 (3), notify the department. The notice shall include the reason for the
25 closure.

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1 (b) Within 24 hours of reopening a school that was closed for a reason specified
2 in s. 115.01 (10) ~~(a) 2. or 3.~~ (b) or (c) or by the department of health services under
3 s. 252.02 (3), notify the department that the school has reopened. In the notice, the
4 school board shall include the number of days the school was closed.

5 **SECTION 2558.** 120.13 (2) (g) of the statutes is amended to read:

6 120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.
7 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),
8 632.798, 632.85, 632.853, 632.855, 632.87 (4), (5), and (6), 632.885, 632.89, 632.895
9 (9) to ~~(17)~~ (16m), 632.896, and 767.513 (4).

10 **SECTION 2559.** 120.17 (8) (a) of the statutes is amended to read:

11 120.17 (8) (a) Annually on or before November 6, or, in those years in which a
12 November general election is held, the 7th calendar day after the day of the general
13 election, deliver to the clerk of each municipality having territory within the school
14 district a certified statement showing that proportion of the amount of taxes voted
15 and not before reported, and that proportion of the amount of tax to be collected in
16 such year, if any, for the annual payment of any loan to be assessed on that part of
17 the school district territory lying within the municipality. Such proportion shall be
18 determined from the full values certified to the school district clerk under s. 121.06
19 (2).

20 **SECTION 2560.** 121.004 (7) (c) 1. b. of the statutes is amended to read:

21 121.004 (7) (c) 1. b. A pupil enrolled in a 5-year-old kindergarten program
22 requiring full-day attendance for less than 5 days a week for an entire school year
23 term shall be counted as the result obtained by multiplying the number of hours in
24 each day in which the pupil is enrolled by the total number of days for which the pupil
25 is enrolled, and dividing the result by the ~~product of the~~ total number of hours of

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attendance ~~per day~~ required of first grade pupils in the school district ~~multiplied by~~
~~180.~~

SECTION 2561. 121.004 (7) (cm) of the statutes is amended to read:

121.004 (7) (cm) A pupil enrolled in a 4-year-old kindergarten program,
including a 4-year-old kindergarten program being phased in under s. 118.14 (3) (b),
that provides the required number of hours of direct pupil instruction under s. 121.02
(1) (f) ~~2.~~ shall be counted as 0.6 pupil if the program annually provides at least 87.5
additional hours of outreach activities.

SECTION 2562. 121.006 (2) (a) of the statutes is renumbered 121.006 (2) (a)
(intro.) and amended to read:

121.006 (2) (a) (intro.) Hold school for ~~at least 180 days each year~~ the minimum
number of hours of direct pupil instruction required for the grade in which a pupil
is enrolled as specified in s. 121.02 (1) (f), less any days of the following:

1. Hours during which the state superintendent determines that school is not
held or educational standards are not maintained as the result of a strike by school
district employees, ~~the days to be computed in accordance with s. 115.01 (10).~~

SECTION 2563. 121.006 (2) (a) 2. of the statutes is created to read:

121.006 (2) (a) 2. Hours during which school is closed by order of the school
district administrator because of inclement weather and hours during which
parent-teacher conferences are held, not to exceed 35 hours during the school term.

SECTION 2564. 121.006 (2) (a) 3. of the statutes is created to read:

121.006 (2) (a) 3. Hours during which school is closed by order of a local health
officer, as defined in s. 250.01 (5), or the department of health services.

SECTION 2565. 121.006 (2) (a) 4. of the statutes is created to read: